HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 3552 of 2005

Dated: 29th September, 2005

Between:

1.Sri Gattu Thirupathaiah S/o.Narayanara, R/o. Urus Village,

Thimmapur Gram Panchayat, Warangal District and another.

..... PETITIONERS

AND

1.The Joint Collector, Warangal, Warangal District and others.

.....RESPONDENTS

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ORDER:

With the consent of both the parties, the writ petition itself is taken up for hearing.

2. This writ petition has been filed by the petitioners viz., Gattu Thirupathaiah and Gattu Venkathswarlu assailing the order dated 08.02.2005 passed by the Joint Collector, Warangal, Warangal District-1st respondent, in proceedings No.E5/596/2005 whereby the Joint Collector granted suspension of the order passed by the Mandal Revenue Officer, Warangal-2nd respondent, whereunder pattadar pass books/title deeds have been issued in favour of the writ petitioners in respect of lands in Survey No.385 and 386 of Urus village.

3. The writ petitioners claim that they are the owners and possessors of land admeasuring Ac.13.17 guntas in Survey No.385 and Ac.10.19 guntas of land in Survey No.386 of Urus village. They filed application before the District Revenue Officer, Warangal, for rectification of entries in the revenue records. The District Revenue Officer, Warangal, while exercising powers under Section 166-B of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli, ordered rectification of entries on 16.02.2004 vide proceedings No.E3/4036/2003. Later they approached the Mandal Revenue Officer, Warangal-2nd respondent for grant of pattadar passbooks/title deeds under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 [for short, 'the Act']. The Mandal Revenue Officer, Warangal-2nd respondent issued pattadar passbooks/title deeds in favour of the petitioners in respect of the survey numbers stated supra. Assailing the order of the Mandal Revenue Officer granting pattadar passbooks/title deeds in favour of the petitioners, third respondent filed revision before the Joint Collector, Warangal-1st respondent. The Joint Collector, Warangal, while entertaining the revision, ordered suspension of the order of the Mandal Revenue Officer, Warangal whereunder pattadar passbooks/title deeds have been issued in favour of the petitioners. Hence, this writ petition.

4. Heard learned counsel appearing for the petitioners, learned Government Pleader for Revenue appearing for the respondents 1 and 2 and learned counsel appearing for the third respondent.

5. Learned counsel appearing for the petitioners submits that the third respondent did not choose to challenge the order passed by the District Revenue Officer, Warangal with regard to rectification of entries in revenue records, and issuance of passbooks/title deeds in favour of the petitioners is only consequent on the order of the District Revenue Officer. Unless the third respondent challenges the order passed by the District Revenue Officer, Warangal, the order passed by the Mandal Revenue Officer, Warangal, cannot be kept in abeyance. He also raised various contentions which are not required to be detailed in view of the order proposed to be passed.

6. Learned counsel appearing for the third respondent submits that since the revision is pending before the Joint Collector, Warangal, he is justified in suspending the order of the Mandal Revenue Officer, Warangal, whereunder pattadar passbooks/title deeds have been issued in favour of the petitioners under the provisions of the Act.

7. Since revision is pending on the file of the Joint Collector, Warangal-1st respondent, any observations made on merits of rival contentions of the parties would influence the mind of the revisional authority. Therefore, I am not inclined to adjudicate on the rival contentions of the parties. In the circumstances, I deem it appropriate to direct the Joint Collector, Warangal-1st respondent, before whom the revision filed by the third respondent is pending, to dispose of the revision within three weeks from the date of receipt of a copy of this Order. Pending revision there shall be *status quo* with regard to entries in the revenue records. The writ petitioners are at liberty to take all the pleas including the maintainability of the revision without approaching the appellate authority as provided under Section 5-B of the Act.

8. Accordingly, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Dated: 29th September, 2005.

Note:

Issue C.C. by Monday

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